

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 26, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

FS-P01-41 - AIR BAND COMMUNICATIONS - 1751 Pinnacle Drive

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY AIR BAND COMMUNICATIONS, INC., FOR THE PROPERTY LOCATED AT 1751 PINNACLE DRIVE, IS IN CONFORMANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

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FSA-M00-78-1 - VERIZON WIRELESS - 6455 Stephenson Way

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE MODIFICATION PROPOSED BY VERIZON WIRELESS FOR THE TELECOMMUNICATIONS FACILITY LOCATED ON THE PBS TOWER AT 6455 STEPHENSON WAY, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF

THE COMPREHENSIVE PLAN AND CONSISTENT WITH THE PRIOR APPROVAL GRANTED BY THE PLANNING COMMISSION AS A "FEATURE SHOWN" ON SEPTEMBER 28, 2000. THEREFORE, IT IS RECOMMENDED THAT THE MODIFICATION IS CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioners Byers and Wilson seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

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FS-M01-39 - NEXTEL COMMUNICATIONS - 5225 Backlick Road

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., FOR THE EXISTING BUILDING LOCATED AT 5225 BACKLICK ROAD, AND AS AMENDED BY THE ATTACHED REPORT ADDENDUM, IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioners Byers and Wilson seconded the motion which carried unanimously with Commissioners Alcorn and Harsel not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

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FS-L00-128 - SPRINT PCS - 6350 Walker Lane

Commissioner Wilson MOVED THAT THE COMMISSION CONCUR WITH THE DETERMINATION MADE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY SPRINT PCS FOR THE PROPERTY LOCATED AT 6350 WALKER LANE IS A "FEATURE SHOWN" APPLICATION, FS-L00-128, AS AMENDED BY THE REPORT ADDENDUM DATED JULY 26, 2001, AND IS IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA.

Commissioner Hall seconded the motion which carried by a vote of 6-1 with Commissioner Byers opposed; Commissioners Kelso and Alcorn not present for the vote; Commissioners Koch, Moon, Palatiello absent from the meeting.

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COMMISSION MATTERS

July 26, 2001

RZ/FDP-1999-PR-029 - COSCAN WASHINGTON, INC. (Decision Only)

(The public hearing on this application was held on July 12, 2001. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY RZ-1999-PR-029, COSCAN WASHINGTON, INC., AND THAT THE PLANNING COMMISSION DENY FDP-1999-PR-029.

Commissioners Hall and Wilson seconded the motion which carried by a vote of 7-0-2 with Commissioners Alcorn and Byers abstaining; Commissioner Koch, Moon and Palatiello absent from the meeting

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RZ-2001-SU-003 - PULTE HOME CORPORATION (Springfield District) (Decision Only)

(The public hearing on this application was held on July 19, 2001. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-2000-SU-003, SUBJECT TO THE EXECUTION OF THE DRAFT PROFFERS DATED JULY 26, 2001.

Commissioner Kelso seconded the motion which carried by a vote of 5-0-2 with Commissioners Hall and Smyth abstaining; Commissioners Alcorn and Harsel not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioners Murphy MOVED THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE 200 FOOT SETBACK REQUIREMENT FROM INTERSTATE HIGHWAYS.

Commissioner Kelso seconded the motion which carried by a vote of 4-2-1 with Commissioners Byers and Smyth opposed; Commissioner Hall abstaining; Commissioners Alcorn and Harsel not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Murphy MOVED THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE THE MODIFICATION OF TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER REQUIREMENTS FOR THE AREA SOUTH OF THE DUPLEX UNITS IN FAVOR OF THE TREATMENT SHOWN ON THE GDP.

Commissioner Kelso seconded the motion which carried by a vote of 5-0-2 with Commissioners Hall and Smyth abstaining; Commissioners Alcorn and Harsel not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

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RZ-2001-PR-004 - LARRY & CAROL BOEHLY (Decision Only)

(The public hearing on this application was held on May 31, 2001. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF ALTERNATIVE A OF RZ-2001-PR-004, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED JULY 23, 2001.

Commissioner Wilson seconded the motion which carried by a vote of 6-0-2 with Commissioners Hall and Murphy abstaining; Commissioner Alcorn not present for the vote; Commissioners Moon, Koch and Palatiello absent from the meeting.

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2232-P00-13 - BELL ATLANTIC MOBILE, INC. (Decision Only)

(The public hearing on this application was held on May 11, 2001. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DENY APPLICATION NUMBER 2232-P00-13 BECAUSE IT IS NOT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, OR PART THEREOF, FOR THE REASONS I HAVE GIVEN ON THE RECORD OF THIS PROCEEDING AND THAT THE PLANNING COMMISSION ADOPT THESE REASONS AS A BASIS FOR ITS DECISION.

Commissioners Wilson, Byers and Harsel seconded the motion which carried by a vote of 7-0-1 with Commissioner DuBois abstaining; Commissioner Alcorn not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DIRECT THE CLERK TO THE PLANNING COMMISSION TO PREPARE A VERBATIM TRANSCRIPT OF THE ENTIRE STATEMENT I HAVE MADE ON THE RECORD TODAY, AS WELL AS THE MOTION THAT INCORPORATES THAT STATEMENT AND A TRANSCRIPT OF THE PUBLIC HEARING HELD HEREIN, IN ORDER TO SET FORTH IN WRITING THE REASONS FOR THE PLANNING COMMISSION'S DECISION IN THIS MATTER.

Commissioners Byers and Wilson seconded the motion which carried by a vote of 7-0-1 with Commissioner DuBois abstaining; Commissioner Alcorn not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DIRECT THE CLERK TO SEND A COPY OF THE TRANSCRIPTS AND MOTIONS TO THE APPLICANT.

Commissioners Byers and Wilson seconded the motion which carried by a vote of 7-0-1 with Commissioner DuBois abstaining; Commissioner Alcorn not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda items:

1. RZ-2001-MV-011/FDP-2001-MV-011 - LCOR/JV ACQUISITION L.L.C.
SEA-88-V-023 - LCOR/JV ACQUISITION L.L.C.
2. CDPA/FDPA-87-P-108 - DAVID N. TALTON
3. PCA/FDPA-1996-LE-034 - DPWES/KINGSTOWNE LIBRARY
PCA-82-L-030-11- DPWES/KINGSTOWNE LIBRARY
FDPA-82-L-030-8- DPWES/KINGSTOWNE LIBRARY
4. SEA-97-M-032 - CA FAIRFAX, LLC
5. SEA-80-P-078-11 - INOVA HEALTH CARE SERVICES
6. SE-01-P-016 - CITY OF FALLS CHURCH/DPWES
2232-P01-7 - CITY OF FALLS CHURCH/DPWES
7. FDPA-82-P-069-10-3 - BUILDING IV ASSOC. & BUILDING V ASSOC.

This order was accepted without objection.

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RZ-2001-MV-011/FDP-2001-MV-011 - LCOR/JV ACQUISITION L.L.C. - Appls. to rezone from C-3 to PRM to permit residential development w/an overall FAR of 3.0 and approval of the conceptual and final development plans on property located on the N. side of Huntington Ave., E. of Metroview Pkwy. on approx. 3.43 acres. Comp. Plan Rec: Office w/option for residential. Tax Map 83-1((1))53A. (Concurrent w/SEA-88-V-023.) MT. VERNON DISTRICT.

SEA-88-V-023 - LCOR/JV ACQUISITION L.L.C. - Appl. under Sect. 2-904 of the Zoning Ord. to amend SE-88-V-023 previously approved for uses in a floodplain to permit additional fill on property located at 2430 Huntington Ave. on approx. 3.43 acres zoned PRM. Tax Map 83-1((1)) 53A. (Concurrent w/RZ/FDP-2001-MV-011.) MT. VERNON DISTRICT. (JOINT PUBLIC HEARING.)

Timothy Sampson, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated May 30, 2001. There were no disclosures by Commission members.

Ms. Barbara Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Commissioner Byers noted that the subject property was being used for Metro parking and asked Ms. Byron what could be done to offset the parking loss once development began. Ms. Byron replied that nothing specific could be done. Commissioner Byers then inquired about the possibility of using the vacant lot to the north for parking. Ms. Byron reiterated that she would pursue this matter with the Department of Transportation.

Mr. Sampson stated that the applicant was a well-established, nationally known apartment developer who had looked at this site with the idea in mind of bringing transit related development to Fairfax County. He noted that the creation of the PRM District and the recently adopted Comprehensive Plan Amendment for this area would allow for multi-family residential development. He said the applicant had worked with the members of the Huntington community to address the details of the proposed development and had their support. He said it was a model project for smart growth and an excellent opportunity for redevelopment.

Commissioner Byers commended the applicant for increasing the park contribution from \$20,000 to \$100,000.

Mr. Sampson and Commissioner Byers responded to a question from Commissioner Smyth about the floodplain.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Ms. Barbara Katz, 7317 Stafford Road, Alexandria, expressed concern about commuter parking on both sides of the Huntington Metro station.

Mr. Michael Fuchs, 5937 Heatherwood Court, Alexandria, stressed the importance of providing parking for Metro commuters. He said there would be nowhere to park when the subject property was developed and added that buses were not a viable option.

In response to a question from Chairman Murphy, Mr. Fuchs said buses were not a viable option because they did not run frequently enough and because there were no shelters.

There were no further speakers, therefore, Chairman Murphy called upon Mr. Sampson for a rebuttal statement.

Mr. Sampson said that the property, which had been planned for office development, was not a permanent solution to the parking problem. He said a proffer would allow parking to continue until such time as construction began.

In response to a question from Commissioner Byers, Mr. Sampson said it was anticipated that construction would begin in April or May 2002.

Addressing the issue raised by the speakers, Ms. Byron said that there were no plans to expand the parking at the present time, but said she would explore this issue with the Department of Transportation.

There were no further comments or questions from the Commission and no closing staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on these applications. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ-2001-MV-011 AND THE CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS DATED JULY 25, 2001.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2001-MV-011, SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE A WAIVER TO PERMIT UNDERGROUND STORMWATER DETENTION IN A RESIDENTIAL AREA SUBJECT TO APPROVAL BY DPWES.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE A MODIFICATION OF THE LOADING REQUIREMENT FOR MULTI-FAMILY DWELLINGS AND A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS, AND A WAIVER OF THE TRANSITIONAL SCREENING AND THE BARRIER REQUIREMENTS ADJACENT TO THE WMATA PROPERTY TO THE SOUTHWEST.

Commissioners Hall and Kelso seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD APPROVE SEA-88-V-023, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 19, 2001.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

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CDPA-87-P-108/FDPA-87-P-108 - DAVID N. TALTON - Appls. to amend the conceptual and final development plans for RZ-87-P-108 to permit residential development at a density of 4.0 du/ac on property located on the S. side of Courthouse Rd., between Hatmark St. and Edgelea Rd. on approx. 8.96 acres zoned PDH-4. Comp. Plan Rec: 3-4 du/ac. Tax Map 48-1((37))A, 1-24; 25A, 26A, 27-29; 31-38. PROVIDENCE DISTRICT. (PUBLIC HEARING.)

David Houston, Esquire, with Shaw Pittman, LLP, reaffirmed the affidavit dated July 16, 2001. There were no disclosures by Commission members.

Ms. Kristen Abrahamson, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

In response to a question from Commissioner Byers, Ms. Barbara Byron, Director, ZED, DPZ, explained that although the applicant was in violation of the proffers, staff was recommending approval of the application in order to rectify deficiencies for the people who had innocently purchased their homes and were in no way responsible for or aware of the fact that the development was in violation of proffered commitments. She said approval was also being recommended because the developer had committed to providing additional amenities including

an increase in the height of the wall on Courthouse Road, additional road improvements and landscaping.

Commissioner Byers and Commissioner Hall discussed a similar case in the Mason District which had recently been heard by the Commission.

In response to a question from Commissioner Hall, Mr. Bill Schell, Department of Public Works and Environmental Services (DPWES), said that the project was in technical default and the development agreement would not be extended until the applicant posted an increased bond. He noted that the project was being watched very closely by the community, homeowners and DPWES.

Commissioner Wilson said that although she could appreciate the desire to legitimize the violations with respect to houses that had already been built and sold, she did not believe the applicant should be granted permission to build a new home on lot 27 because he had demolished a home in violation of previous proffers.

Ms. Abrahamson responded to questions from Commissioner Wilson about the revised elevation drawings and the proposed decrease in the number of required parking spaces

Commissioner Byers asked Mr. Schell how the foundations could have been approved with a reduction in the proffered setback. Mr. Schell responded that the inspectors were not engineers and did not typically look at proffers as carefully as perhaps they should.

In response to questions from Commissioner Smyth, Mr. Schell said that the original development agreement had expired and an extension would not be granted until the correct bond amount based on the new proffers was posted.

Mr. Houston stated that the proposed development was one of the most creative and innovative designs in Fairfax County, replicating the design of Colonial Williamsburg with features such as landscaped malls and brick sidewalks. He noted that the setbacks, both built and proposed, were consistent with the setbacks of homes in Colonial Williamsburg.

Commissioner Harsel commented that one of the most troubling aspects about this case was the fact that the applicant applied for a permit to demolish the building on lot 27 in violation of a proffer interpretation. Mr. Houston explained that the property had been originally planned as condominiums and when it had been decided that it would be developed as a traditional subdivision, a few of the notes on the original plan had inadvertently been overlooked. He said one of these notes called for a 14.4 foot minimum setback between the houses and another said that the existing house "may" remain instead of saying "to" remain. He said a third note stated that "the existing house of contemporary design is to be redesigned to harmonize with the Williamsburg style of the Talton tract." He said because the house was not colonial in style and had no architectural features, quality or design attributes, his client believed he had the right to tear it down to its foundation and rebuild the walls and roof in a colonial style. He said while that might not be a justification for razing the house, it was an explanation.

Commissioner Hall suggested that the property be used as open space, or some other non-residential use.

In response to a question from Commissioner Wilson, Ms. Byron said the owners of lot 30 did not desire to be included in the application, but were aware that a separate application would have to be filed to correct the deficiencies which existed on their property.

Responding to a question from Commissioner Harsel, Mr. Houston said Mr. Talton had contracted to sell the undeveloped lots to Craftmark Homes, except for the four lots which he intended to use for himself.

Chairman Murphy called for speakers from the audience.

Ms. Norma Bawer read a letter from Mary Sue Lyons, 2905 Gretna Place, Vienna, expressing concern about area roads and requesting that the developer be required to improve them. (A copy of her letter is in the date file.)

Ms. Norma Bawer, 9927 Bickley Court, Vienna, said she believed the applicant should have to conform to the same requirements for providing roadway improvements, as had other developers.

In response to a question from Commissioner Alcorn, Ms. Bawer said that the applications should not be approved unless the developer was held accountable for roadway improvements.

Ms. Abrahamson responded to questions from Commissioner Smyth about frontage requirements, road improvements and trails.

Ms. Abrahamson responded to questions from Commissioner Alcorn about the applicant's obligation to make roadway improvements

Brendan Bunn, Esquire, 9990 Lee Highway, Suite 450, Fairfax, representing the Williamsburg Commons Homeowners Association, expressed support for the application. He said that the homeowners had had to endure incredible delays and were anxious to see the completion of their community.

There were no further speakers. Chairman Murphy called upon Mr. Houston for a rebuttal statement.

Mr. Houston stated that the applicant had agreed to provide road improvements and a four foot sidewalk. He thanked the Williamsburg Commons Homeowners Association for their support. He said he was optimistic that Craftmark Homes could complete the project and that approval of the applications was the most effective way to do so.

Mr. Houston responded to a question from Commissioner Byers about the justification of the requested waiver to permit a front yard wall along Courthouse Road to exceed a height of four feet. He responded to a question from Commissioner Harsel about tree save.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THE APPROVAL OF CDPA-87-P-108, SUBJECT TO THE PROPOSED CDPA DEVELOPMENT CONDITIONS AGREED TO BY THE APPLICANT AND MODIFIED AS FOLLOWS: NUMBER 2 OF THE CONDITIONS DATED JULY 25, 2001 WILL NOW READ "FOR THE PROPERTIES SUBJECT TO THIS APPLICATION, DEVELOPMENT OF THE SUBJECT PROPERTY SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE PLANS ENTITLED "CONCEPTUAL/ FINAL PLAN AMENDMENT, WILLIAMSBURG COMMONS," CONSISTING OF FIVE SHEETS PREPARED BY CHARLES P. JOHNSON AND ASSOCIATES, INC., AND DATED OCTOBER 2000 AS REVISED THROUGH JULY 23, 2001. HOWEVER, IRRESPECTIVE OF THAT DEPICTED ON THE CDPA/FDPA, NO STRUCTURES SHALL BE PERMITTED ON LOT 27 AND THAT AREA SHALL BE USED AS LANDSCAPED OPEN SPACE DEDICATED TO THE HOA. ANY PLAN SUBMITTED FOR THE SUBJECT PROPERTY SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED CDPA/FDPA AS MODIFIED ABOVE, THE ACCEPTED PROFFERS AND THESE CONDITIONS. MODIFICATIONS TO THE APPROVED PLAN MAY BE PERMITTED PURSUANT TO PARAGRAPH 4 OF SECTION 16-403 OF THE ZONING ORDINANCE."

Commissioner Alcorn seconded the motion which carried by a vote of 7-1-1 with Commissioner Byers opposed; Commissioner Harsel abstaining; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE THE FDPA-87-P-108, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CDPA AND THE PROPOSED CDPA DEVELOPMENT CONDITIONS AGAIN WITH THE MODIFICATION THAT IRRESPECTIVE OF THAT WHICH IS DEPICTED ON THE CDPA/FDPA, NO STRUCTURE SHALL BE PERMITTED ON LOT 27 AND THAT AREA SHALL BE USED AS LANDSCAPED OPEN SPACE DEDICATED TO THE HOA.

Commissioner Alcorn seconded the motion which carried by a vote of 7-1-1 with Commissioner Byers opposed; Commissioner Harsel abstaining; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND THE APPROVAL OF A VARIANCE OF THE ZONING ORDINANCE REQUIREMENT THAT A

WALL IN THE FRONT YARD BE LIMITED TO FOUR FEET IN HEIGHT TO PERMIT THE CONSTRUCTION OF A SIX FOOT HIGH WALL ALONG COURTHOUSE ROAD.

Commissioner Alcorn seconded the motion which carried by a vote of 7-0-2 with Commissioners Byers and Harsel abstaining; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUESTED TRAIL MODIFICATION FOR THE CONSTRUCTION OF A FOUR FOOT WIDE CONCRETE SIDEWALK ALONG COURTHOUSE ROAD IN LIEU OF THE PREVIOUSLY APPROVED SIX FOOT WIDE TRAIL.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

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PCA-1996-LE-034 - DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES - Appl. to amend the proffers for RZ-1996-LE-034 previously approved for housing for the elderly and a medical facility to permit public uses (regional library and interim athletic fields) w/an overall FAR of 0.11 on property located generally in the S.E. quadrant of the intersection of Beulah St. and Manchester Blvd. on approx. 2.19 ac. zoned PDH-8. Comp. Plan Rec: 1-2 du/ac w/option for commercial uses, elderly housing and public serving uses. Tax Map 91-3((9))8A pt. (Concurrent w/FDP- 1996-LE-034, PCA-82-L-030-11 and FDP-82-L-030-8.) LEE DISTRICT.

FDP-1996-LE-034 - DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES - Appl. to approve the final development plan for RZ-1996-LE-034 to permit public uses (regional library and interim athletic fields) on property located in the S.E. quadrant of the intersection of Beulah St. and Manchester Blvd. on approx. 2.19 acres zoned PDH-8. Tax Map 91-3((9))8A pt. (Concurrent w/PCA-1996-LE-034, PCA-82-L-030-11 and FDP-82-L-030-8.) LEE DISTRICT.

PCA-82-L-030-11 - DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES - Appl. to amend the proffers for RZ-82-L-030 previously approved for housing for the elderly to permit public uses (regional library and interim athletic fields) w/an overall FAR of 0.11 on property located generally in the S.E. quadrant of the intersection of Beulah St. and Manchester Blvd. on approx. 4.55 acres zoned PDH-8. Comp. Plan Rec: 5-8 du/ac

PCA/FDPA-1996-LE-034 - DPWES/KINGSTOWNE LIBRARY
PCA-82-L-030-11- DPWES/KINGSTOWNE LIBRARY
FDPA-82-L-030-8- DPWES/KINGSTOWNE LIBRARY

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w/option for commercial uses, elderly housing and public serving uses. Tax Map 91-3((9))8A pt. (Concurrent w/PCA-1996-LE-034, FDP-1996-LE-034 and FDP-82-L-030-8.) LEE DISTRICT.

FDP-82-L-030-8 - DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES - Appl. to approve the final development plan for RZ-82-L-030 to permit public uses (regional library and interim athletic fields) on property located generally in the S.E. quadrant of the intersection of Beulah St. and Manchester Blvd. on approx. 4.55 acres zoned PDH-8. Tax Map 91-3((9))8A pt. (Concurrent w/PCA-1996-LE-034, FDP-1996-LE-034 and PCA-82-L-030-11.) LEE DISTRICT. (JOINT PUBLIC HEARING.)

Mr. Murtaza Sheikh, Department of Public Works and Environmental Services reaffirmed the affidavit dated July 23, 2001. There were no disclosures by Commission members.

Mr. Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Mr. Sheikh introduced Mr. Larry McDermott, with Dewberry and Davis. Mr. McDermott said that the proposed 35,000 square foot library would be accessed from three points along Silverlakes Boulevard. He said the landscaping exceeded Zoning Ordinance requirements. He explained the library would be pedestrian friendly and that 338 housing units for the elderly were located across the street. He noted that the application had the support of staff and the Lee District Land Use Committee and requested a favorable recommendation.

Mr. Kelso complimented Dewberry and Davis for their site work which he said had been beautifully done.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. Mr. Braham noted that revised development conditions dated July 25, 2001 had been distributed. There were no comments or questions from the Commission, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Kelso for action on these applications. (A verbatim transcript is in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-82-L-030-11 AND PCA-1996-LE-034, SUBJECT TO THE DRAFT PROFFERS DATED JULY 2, 2001 AND ATTACHED TO THE STAFF REPORT.

PCA/FDPA-1996-LE-034 - DPWES/KINGSTOWNE LIBRARY
PCA-82-L-030-11- DPWES/KINGSTOWNE LIBRARY
FDPA-82-L-030-8- DPWES/KINGSTOWNE LIBRARY

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Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE FDP-82-L-030-8 AND FDP-1996-LE-034, SUBJECT TO THE BOARD'S APPROVAL OF PCA-82-L-030-11 AND PCA-1996-LE-034 AND SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 25, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS MODIFICATION OF THE TRANSITIONAL SCREENING YARD REQUIREMENT AND WAIVER OF THE BARRIER REQUIREMENT ALONG BEULAH STREET AND SOUTH LAKES BOULEVARD.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

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SEA-97-M-032 - CA FAIRFAX, LLC - Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE-97-M-032 previously approved for a private school of general education and nursery school w/an enrollment of 100 or more students daily to permit modification of development conditions on property located on the W. side of Glen Forest Dr., approx. 350 ft. N. of its intersection w/Leesburg Pi. on approx. 2.21 acres zoned R-3 and HC. Tax Map 61-2((1))26. MASON DISTRICT. JOINT PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated July 11, 2001. There were no disclosures by Commission members.

Ms. Amy Parker, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Strobel stated that Fairfax Brewster School had operated at its current location since the approval of a special permit application on April 12, 1955. She said the new operator wished to amend the original application, approved in 1998, to allow an increase in the maximum student age from the current limit of 11 years to permit ages through the eighth grade. She said this would permit consistent educational opportunities at a crucial time in childhood development.

She emphasized that no other changes were being proposed and that all previously approved conditions would remain in effect. She noted that the Mason District Land Use Committee supported the application with a revision to Development Condition Number 5 limiting the enrollment for seventh and eighth grade classes to no more than 25 percent of the maximum daily enrollment, and a revision to Condition Number 6, replacing the words “three (3) years of age” with the words “in nursery school” through the eighth grade.

In response to questions from Commissioner Byers, Ms. Strobel said that only minor modifications had been made to the previous development conditions which were editorial in nature or because the condition had been met.

In response to questions from Commissioner Wilson, Ms. Abrahamson said that the interior of the building could be reconfigured to accommodate the new classes, as long as the exterior of the building was not changed.

Responding to a question from Commissioner Harsel, Ms. Strobel said because there were no changes to the exterior of the building, a waiver of the special exception plat requirement had been waived and that the plat approved for the original special exception would carry forward.

Chairman Murphy called the first listed speaker.

Ms. Karen Michalowicz, 5855 Glen Forest Drive, Falls Church, said she would like to see a maximum age limit set for the eighth grade students. She also said that the school had a long history of development condition violations and that she still had unanswered questions.

In response to questions from Chairman Murphy, Ms. Michalowicz clarified her position.

Commissioner Hall commented that it was her suggestion that an age limit not be imposed.

In response to a question from Commissioner Hall, Ms. Abrahamson said a state licensing board or other education review authority was responsible for establishing classroom sizes and that the Zoning Ordinance did not address internal sizes of facilities. Ms. Abrahamson explained that fire marshal requirements as well as building, health, and education codes would have to be met and added that the land use issue at hand was whether or not the site was appropriate for a school.

Ms. Ruth Hope, 3327 Pensa Drive, Falls Church, representing the Glen Forest Community Association (GFCA), read a letter from the Kathleen Perez-Lopez, Vice President, GFCA, which stated that the Association did not support the application at this time due to insufficient information about how the school planned to accommodate the older students. (A copy of this letter is in the date file.) She said the problems encountered by neighbors included noise and objects, such as balls, being retrieved from yards without permission causing damage to gates and fences. She also said that violations concerning the hours of operation and distribution of a calendar of events had occurred. She requested assurance that all development conditions would be enforced.

Commissioner Hall commented that she had been unaware of any violations. Ms. Hope responded by saying that one of the reasons these concerns had not been raised before was because some of the neighbors were unable to speak out since they were elderly, frail or infirm. She said another reason was because they had been unaware of all of the conditions until they had been notified of this case.

In response to questions from Commissioners Wilson and Hall, Ms. Abrahamson said that based on the location of her home, Ms. Hope had not received a calendar of events because she was not considered to be an adjacent property owner.

Ms. Irene Shuman, 5861 Glen Forest Drive, Falls Church, said that many of the issues the neighbors had with the former owner of the school remained unresolved.

In response to questions from Commissioner Hall, Ms. Shuman said that she was concerned that the new owner would not abide by the conditions set forth in the original special exception application. Ms. Shuman added that the community had many unanswered questions about the addition of the seventh and eighth grade classes. Commissioner Hall pointed out that nothing would change except for the addition of the two classes and that perhaps Ms. Strobel could answer some of her other questions.

Ms. Cheryl Aylor, said she lived with her mother, Jean Aylor, at 3329 Pensa Drive. She said her mother had never received a calendar of events and that children were on the playground before 8:00 a.m. in violation of development conditions. She also said that the school operated a summer camp which created an awful lot of noise.

Ms. Strobel noted that many of the problems raised had existed under the previous ownership and said the current operator was in compliance with all of the conditions. She explained that the new owner desired to be a good neighbor and that there would not be any noticeable changes as a result of the present application. She said the school planned to hold a social event on August 13, 2001 at which any concerns of the community could be addressed.

Ms. Abrahamson responded to questions from Commissioner Hall about the location of basketballs, hoops and netting and said that Condition Number 9 addressed parking for extra-curricula events. She added that the citizens should contact the County to report violations.

Responding to a question from Commissioner Wilson, Ms. Abrahamson said that staff had inadvertently omitted a development condition addressing trailers on the site. She said that one of the trailers had been removed as required in the original application, and that a condition would be added addressing the maintenance of the second trailer.

Ms. Strobel and Ms. Abrahamson responded to questions from Commissioners Byers and Hall about the summer camp. Ms. Abrahamson said that summer activities would be subject to the same hours of operation which were in effect during the regular school year. Ms. Strobel added that the school would take measures to ensure that students were not outside before 8:00 a.m.

There were no further comments or questions from the Commission. Staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION SEA-97-M-032 BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 25, 2001, WITH THE MODIFICATION OF THE ORIGINAL CONDITION NUMBER 21, CORRECTED FOR CURRENT ACRONYMS, THAT WERE DATED FEBRUARY 7, 1998.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

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SEA-80-P-078-11 - INOVA HEALTH CARE SERVICES - Appl.
under Sect. 3-1204 of the Zoning Ordinance to amend SE-80-P-078 previously approved for a medical care facility to permit bldg. additions and site modifications, including relocation of the helipad on property located at 3300 Gallows Rd. on approx. 59.10 acres zoned R-12. Tax Map 49-3((1))136C, 136C1; 59-2((1)) 1A pt., 1B pt., 1C pt., 1D & 1E. PROVIDENCE DISTRICT.
(PUBLIC HEARING.)

Timothy Sampson, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated July 19, 2001. There were no disclosures by Commission members.

Ms. Mary Ann Godfrey, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Godfrey and Ms. Abrahamson, ZED, DPZ, responded to questions from Commissioner Harsel about the type and height of trees to be planted. Ms. Godfrey responded to questions from Commissioner Byers about the crosswalk markings.

Mr. Sampson stated that the application was a request to amend a previously approved Special Exception application for two major improvements to the campus of the Fairfax Hospital Center, including a new Heart Institute and a much needed emergency department expansion. He explained that during the final engineering for those improvements, it had been determined that a number of modifications were necessary. He said the helipad needed to be relocated and the building height increased for the Heart Institute. He noted that the primary impact of the

modifications was the loss of trees and buffering along Gallows Road and that the applicant had worked with their landscape architect to put together a plan which lessened the impact. He said the applicant also worked with staff to meet the spirit of the newly adopted Merrifield streetscape guidelines, resulting in a meandering trail through the trees with larger trees outside the flight path. He noted that the concerns of the community had been addressed and the application had the support of staff. He requested a favorable recommendation.

In response to a question from Commissioner Wilson, Mr. Sampson identified the location of the parking for the ambulances.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Wilson for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA-80-P-078-11, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 25, 2001.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUESTED MODIFICATIONS OF TRANSITIONAL SCREENING AND WAIVER OF BARRIER REQUIREMENTS IN FAVOR OF THAT SHOWN ON THE SEA PLAT, AND SUBJECT TO DEVELOPMENT CONDITIONS DATED JULY 25, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE TRAIL REQUIREMENT ALONG GALLOWS ROAD IN FAVOR OF A PROPOSED EIGHT FOOT WIDE SIDEWALK SHOWN ON THE SEA PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

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SE-01-P-016 - CITY OF FALLS CHURCH, DEPT. OF ENVIRONMENTAL SERVICES – PUBLIC UTILITIES DIVISION - Appl. under Sect. 3-104 of the Zoning Ordinance to permit water storage and pumping facilities on property located at 2314 Gallows Rd. on approx. 1.14 acres zoned R-1. Tax Map 39-4((1))25. (Concurrent w/2232-P01-7.) PROVIDENCE DISTRICT.

2232-P01-7 - CITY OF FALLS CHURCH, DEPT. OF ENVIRONMENTAL SERVICES – PUBLIC UTILITIES DIVISION - Appl. under Sect. 15.2-2232 of the Code of VA to permit water storage and pumping facilities on property located at 2314 Gallows Rd. on approx. 1.14 acres zoned R-1. Tax Map 39-4((1))25. (Concurrent w/SE-01-P-016.) PROVIDENCE DISTRICT.

Mr. Samer S. Beidas, with the Department of Environmental Services, City of Falls Church, reaffirmed the affidavit dated May 3, 2001. There were no disclosures by Commission members.

Commissioner Smyth asked Chairman Murphy to ascertain whether there were any speakers present for this application. Chairman Murphy called for speakers, but received no response. Commissioner Smyth therefore requested that presentations by staff and the applicant be waived and the public hearing closed. Chairman Murphy closed the public hearing and recognized Commissioner Smyth for action on these cases. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION FIND THE FACILITIES PROPOSED UNDER 2232-P01-7 SATISFY THE CRITERIA OF LOCATION, CHARACTER AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE CODE OF VIRGINIA AND ARE SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT APPLICATION SE-01-P-016 BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JULY 23, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioners Koch, Moon and Palatiello absent from the meeting.

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT MODIFICATION OF TRANSITIONAL SCREENING BE APPROVED FOR THE SOUTHERN PROPERTY LINE, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS NOW DATED JULY 23, 2001.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the votes; Commissioners Koch, Moon and Palatiello absent from the meeting.

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The next case was in the Springfield District, therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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FDPA-82-P-069-10-3 - BUILDING IV ASSOCIATES L.C. & BUILDING V ASSOCIATES L.P. - Appl. for the third amend. to the tenth final development plan for RZ-82-P-069 to permit office development w/an overall FAR of 0.54 on property located on the N. side of Fair Lakes Ci. at its intersection w/the Fairfax Co. Pkwy. on approx. 14.22 acres zoned PDC and WS. Tax Map 55-2((1)) 11B and 11C. SPRINGFIELD DISTRICT (FORMERLY SULLY DISTRICT.) (PUBLIC HEARING.)

Frank McDermott, Esquire, with Hunton and Williams, reaffirmed the affidavit dated July 10, 2001. There were no disclosures by Commission members.

Commissioner Murphy asked Vice Chairman Byers to ascertain whether there were any speakers present for this application. Vice Chairman Byers called for speakers, but received no response. Commissioner Murphy therefore requested that presentations by staff and the applicant be waived and the public hearing closed. Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-82-P-069-10-3, SUBJECT TO THE DEVELOPMENT CONDITIONS SET FORTH IN APPENDIX 1 OF THE STAFF REPORT DATED JULY 23, 2001.

Commissioners Hall and Kelso seconded the motion which carried unanimously with Commissioners Koch, Moon and Palatiello absent from the meeting.

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The meeting was adjourned at 12:45 a.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: February 13, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission